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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,974	05/16/2001	Detlef Mansel	MANSEL-PCT)	2201
25889	7590	07/09/2004	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 07/09/2004 7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,974

Applicant(s)

MANSEL, DETLEF

Examiner

Tuan A Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4,5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 44 and 53-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this instant case, dependent claims 53-60 are apparatus claims that depend on method claim 32. Correction is required.

Regarding claim 44 the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 32-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderford et al. (WO 96/42020).

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Regarding claim 32, Sanderford discloses a method for localizing as precisely as possible a radio transmitter in a complex environment (See fig. 1) in which the system is calibrated for locating in a learning phase (See fig. 3 and page 13 lines 20-30) and subsequently an uncorrected location information is initially obtained via measurement. In a second step, a more precise position is determined by computer (See fig. 6 and page 16 lines 1-19). The essential difference to Sanderford is that, as per claim 1, not one measuring phase with a specific spatial resolution but two measuring phases are used, namely a first phase for combing a potentially interesting area at speed but with low accuracy and a second phase for more precise localization of a radio transmitter. Since Sanderford suggests to solve this problem (determining the precise localization of the radio transmitter) by using two computing phases with increasing accuracy (See fig. 6 and page 16 lines 1-19); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ two measuring phases with increasing accuracy instead of two computing phases for the advantage of reducing the data processing effort.

Regarding claim 33, Sanderford discloses as cited in claim 32. Sanderford further discloses the surrounding area is scanned totally or partially by the radio receiver for unwanted radio transmission (See page 11 lines 24-28).

Regarding claims 34-35, Sanderford discloses as cited in claim 32. However, Sanderford does not mention that the recognized unwanted radio transmission is measured with higher resolution of the radio receiver by a change of directive efficiency of the radio receiver. Since Sanderford does suggest changing of directive efficiency of

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the radio receiver for measuring radio transmission with higher resolution (See fig. 9 and page 17 lines 21-30); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ Sanderford's suggestion in measuring phases in order to increase accuracy of location information.

Regarding claim 36-39, Sanderford discloses as cited in claim 32. Sanderford further discloses a two-dimensional image analysis fuzzy technique is carried out to evaluate measured signals (See figs. 6-7).

Regarding claim 40 and 43, Sanderford discloses as cited in claim 36. Sanderford further discloses the representation of the unwanted radio transmission as well as the local position of the reference radio transmission recorded in the initially training phase are used as information for the local position of the emitting device of the unwanted radio transmission by means of different features (See page 11 line 24 to page 12 line 30 and page 15 line 37 to page 16 line 19).

Regarding claims 41-42, Sanderford discloses as cited in claim 40. Sanderford further discloses in case of evaluation of the local position of the emitting device of the unwanted radio transmission in a part of the surrounding area, in which radio transmission are unwanted or tolerated the alarm for operating personnel is on or suppressed respectively (See page 11 lines 24-27).

Regarding claim 44, Sanderford discloses as cited in claim 36. Sanderford further discloses additional information coming from the unwanted radio transmission such as signal runtimes or time offset is used as further information during the

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evaluation of the signals of the radio receiver in the evaluation device (See fig. 6 and page 12 lines 2-6, page 14 line 29 to page 15 line 7).

Regarding claim 45, Sanderford discloses as cited in claim 32. Sanderford further discloses the signals of more than one radio receiver are evaluated in the evaluation device and are connected to a common representation of the unwanted radio transmission (See fig. 5 and page 14 lines 29-31).

Regarding claims 46-48, Sanderford discloses as cited in claim 32. Sanderford further discloses the step of determining the local position of radiotelephony devices, which set free noise fields of a high frequency kind, in the a so-called stand-by mode the radio transmission of the clock-pulse controlled switching online or offline the receivers of the radiotelephony is used (See page 4 lines 29-36 and page 11 lines 8-19).

Regarding claim 49, Sanderford discloses as cited in claim 32. Sanderford further discloses that multiple simultaneous unwanted radio transmissions are treated separately (See figs. 3-4 and page 4 line 29-37).

Regarding claim 50, Sanderford discloses as cited in claim 32. Sanderford further discloses the radio receiver and/or the reference emitting device are moved on a respective to their position known path during the initially training phase and the radio receiver records at known spots of this path reference radio transmission (See fig. 4 and page 13 line 20 to page 14 line 6).

Regarding claim 51-52, Sanderford discloses as cited in claim 32. Sanderford further discloses the initially training phase is carried out unique or after longer time

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intervals or conditions of the surrounding area of the radio receiver have changed significantly, and the developing representations of typical radio transmission are stored (See page 13 lines 20-22 and page 16 lines 1-8).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kowaguchi (6,201,973); Ito (6,108,556); Oros et al. (6,167,275).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

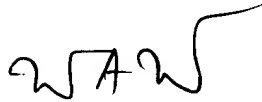
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

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VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

6/28/04